

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

and

AQUINNAH/GAY HEAD
COMMUNITY ASSOCIATION, INC.
(AGHCA) and TOWN OF AQUINNAH,

Intervenor-Plaintiffs,

vs.

THE WAMPANOAG TRIBE OF GAY
HEAD (AQUINNAH), THE
WAMPANOAG TRIBAL COUNCIL OF
GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,

Defendants,

and

CHARLES BAKER, in his official
capacity as GOVERNOR,
COMMONWEALTH OF
MASSACHUSETTS, et al.,

Third-Party Defendants.

CASE NO: 1:13-cv-13286-FDS

[Formerly Supreme Judicial Court for Suffolk
County, Massachusetts, CIVIL ACTION NO.
2013-0479]

MOTION TO STAY PENDING APPEAL

EXPEDITED REVIEW REQUESTED

Defendants¹ Counterclaimants Wampanoag Tribe of Gay Head (Aquinnah) and the Aquinnah Wampanoag Gaming Corporation (“AWGC”) (collectively “Defendants” or “Tribe”) move this Court, pursuant to Fed.R.Civ.P. 62(c) and in compliance with Fed.R.App.P. 8(a)(1)(A) and (C), for an order staying the Amended Final Judgment of this Court entered on June 19, 2019 (ECF No. 201), and the Opinion and Order, also entered on June 19, 2019 (ECF No. 200) pending appeal to the United States Court of Appeals for the First Circuit. In the alternative, Tribe seeks a temporary stay to allow sufficient time for the Appeals Court to consider and rule upon a motion pursuant to Fed.R.App.P. 8(a)(1)(A) and (C).

In support of the instant motion, the Tribe respectfully relies on the Memorandum of Points and Authorities in Support of the Motion which is filed herewith, and copies of which have been served on counsel for Appellees/Intervenor-Plaintiff/Counterclaim-Defendant the Town of Aquinnah (“Town”), Intervenor-Plaintiff/Counterclaim-Defendant, the Aquinnah/Gay Head Community Association, Inc. (“AGHCA”) , and Plaintiff Commonwealth of Massachusetts and Third-Party Defendants Governor Charlie Baker, Attorney General Maura Healey, and Massachusetts Gaming Commission Chairman Cathy Judd Stein (collectively referred to as “Commonwealth” or “State”) in accordance with the certificate of service. The Tribe also relies on the arguments presented in its Response and Sur-Reply in Opposition to the Town’s Motion for Entry of Final Judgment (ECF Nos. 185 and 196).

Dated: July 10, 2019.

Respectfully submitted,

/s/ Scott Crowell
SCOTT CROWELL (pro hac vice)

¹ The Wampanoag Tribal Council of Gay Head, Inc., which was named as a party defendant, was an entity created under the laws of the Commonwealth, prior to federal recognition and no longer exists.

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CERTIFICATE OF SERVICE

I, Scott Crowell, hereby certify that I filed through the ECF System and therefore copies of the Motion to Stay will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent, via first-class mail, to those indicated as non-registered participants.

Dated: July 10, 2019.

/s/ Scott Crowell
SCOTT CROWELL